

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

In re Rachel Leigh Carson

Debtors.

Case No.: 3:18-bk-31476-SHB
Chapter 13

Objecting Party / Creditor: **Rocky Top Finance, LLC**
Collateral: **laptop, printer; 3 televisions; PS4 game station**

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

Comes, the above-named Creditor and objects to Confirmation of the Chapter 13 Plan proposed in this case on the following ground(s):

- ☐ 1. Debtor(s) not eligible for chapter 13 relief. 11 U.S.C. § 109(e) or (g)
- ☐ 2. Plan not proposed in good faith. 11 U.S.C. § 1325(a)(3)
- ☐ 3. Creditors receive less under the plan than they would receive in a chapter 7. 11 U.S.C. § 1325(a)(4)
- ☐ 4. Plan does not provide for payment of all disposable income. 11 U.S.C. § 1325(b)(1)(B)
- ☐ 5. The plan is not feasible. 11 U.S.C. § 1325(a)(6)
- ☐ 6. Unsecured claims are improperly classified or plan unfairly discriminates a class. 11 U.S.C. § 1322(b)(1)
- ☐ 7. Plan improperly provides for lien avoidance.
- ☒ 8. Collateral is undervalued or all collateral not listed. 11 U.S.C. § 1325(a)(5)(B)(ii)
- ☒ 9. No interest provided on claim or interest rate is insufficient. 11 U.S.C. § 1325(a)(5)(B)(ii)
- ☒ 10. Lack of adequate protection, either in monthly payment on secured debt or absence of insurance.
- ☐ 11. The plan does not permit a deficiency claim.
- ☐ 12. Security interest in principal residence is impermissibly modified, insufficient or no mortgage arrearage listed, inadequate interest is provided on arrearage, or mortgage default is not cured within a reasonable time. 11 U.S.C. § 1325(a)(5)
- ☐ 13. The plan does not provide for lien retention for a secured claim. 11 U.S.C. § 1325(a)(5)(B)(i)
- ☐ 14. Other: _____

WHEREFORE, this Creditor requests that confirmation of the Plan be denied and the case dismissed.

/s/ Wm. Stanton Massa, III
Wm. Stanton Massa, III (BPR# 015556)
Attorney for Creditor
P.O. Box 1515
Morristown, TN 37816
PH# 423 / 317-8555

CERTIFICATE OF SERVICE

I certify that the foregoing Objection to Confirmation was served upon the following listed parties and/or counsel by either electronic transmission, first-class United States mail postage prepaid or by hand-delivery on June 13, 2018:

Rachel Leigh Carson
917 Camelia Trace
Maryville, TN 37801

Zachary S. Burroughs, Attorney (via ECF)

Gwendolyn M. Kerney, Trustee (via ECF)

/s/ Wm. Stanton Massa, III
Wm. Stanton Massa, III (BPR# 015556)
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